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Attorney for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK G. COLEMAN, ET. AL.

Defendants.

CASE NO. 2:02-CR-00287

MOTION TO ASSIGN AND DISBURSE
RESTITUTION

The United States respectfully moves the Court to order the Clerk of the United States District Court to assign restitution and disburse the restitution funds already collected and to be collected in the future for victim Harrington & Harrington, LTD to its sole shareholder, Clifford Moeller, for the reasons set forth below.

In the Fall of 2003, the Court imposed judgment on Mark G. Coleman and Joseph L. Norris in this matter. Ex. A (Coleman J.); Ex. B (Norris J.). Both were ordered to pay \$300,000 in restitution to Harrington & Harrington, LTD. Ex. A at 8; Ex. B at 8. The two defendants were held jointly and severably liable for that amount. Ex. A at 9; Ex. B at 9.

Victim Harrington & Harrington, LTD was incorporated in the State of Nevada in May 2003 by Clifford Moeller. Ex. C (Articles of Incorporation). The Articles listed Mr. Moeller as the sole member of Harrington & Harrington, LTD's board of directors. Ex. C. A resolution adopted at the time of incorporation declared Clifford Moeller to be the sole shareholder of Harrington & Harrington, LTD.

1 Ex. D (Resolution). Mr. Moeller dissolved Harrington & Harrington, LTD in 2008. Ex. E (Certificate
2 of Dissolution.). The Certificate of Dissolution lists Mr. Moeller as the sole officer of Harrington &
3 Harrington, LTD. Ex. E. In a declaration in support of this motion, Mr. Moeller states that he was the
4 sole shareholder of Harrington & Harrington, LTD and that he dissolved the entity. Ex. F (Moeller
5 Declaration).

6 Title 18, United States Code, section 3663(a)(2) provides: “In the case of a victim who is under
7 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or
8 representative of the victim’s estate, another family member, or any other person appointed as suitable
9 by the court, may assume the victim’s rights under this section, but in no event shall the defendant be
10 named as such representative or guardian.”

11 In light of the dissolution of Harrington & Harrington, LTD, and pursuant to 18 U.S.C. §
12 3663(a)(2), the government moves for the assignment of any restitution proceeds currently available and
13 any future restitution proceeds due to Harrington & Harrington, LTD to Mr. Clifford Moeller.

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15 Dated: February 1, 2023

PHILLIP A. TALBERT
United States Attorney

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17 By: /s/ Nick Fogg
18 NICHOLAS M. FOGG
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ORDER

This matter is before the Court on the government's motion requesting that the Clerk of the Court assign restitution and be directed to pay the restitution currently in the Clerk's registry with regards to Harrington & Harrington, LTD. to Mr. Clifford Moeller.

The Court, having considered the motion of the United States, now finds that the motion should be, and hereby is, GRANTED.

IT IS HEREBY ORDERED that the financial unit for the U.S. District Court Clerk's Office for the Eastern District of California is directed to pay any restitution currently available and any future proceeds due to Harrington & Harrington, LTD. to Mr. Clifford Moeller.

Dated: February 1, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE